

REMARKS

Applicants express appreciation to the Examiner for the courtesy extended to applicants' attorney during the interview of Feb. 25, 2003. The claims have been amended consistent with the proposals made and discussed during that interview. Accordingly, claims 1, 4-8, 14-15, 19 and 33-42 are presented for reconsideration. Claims 2-3, 6, 9-13, 16-18 and 20-32 have been cancelled, new claims 33-42 have been added, original claim 7 remains unchanged, and original claims 1, 4-5, 8, 14, 15, and 19 are currently amended, as reflected below.

In the Office Action dated March 3, 2003, the proposed drawing correction to Figure 4 was rejected for failing to be in a form of a pen-and-ink sketch. In response to this rejection, a new request for drawing correction has been filed that shows the requested changes to the drawings as requested. The drawing corrections requested include changing the reference number 110 to 410 in Figure 4 and inserting the number 180 in Figure 3B, as shown by the attached mark-ups.

The Office Action also rejected all of the claims under 35 U.S.C. 103(a) as being obvious over a combination of Perlman et al. (WO 98/56128), Belmont (U.S. Patent No. 5,819,156), Berdard (U.S. Patent No. 5,801,747), Robinson (U.S. Patent No. 5,918,014), Brown et al. (U.S. Patent No. 5,887,133), and Brodsky (U.S. Patent No. 5,809,471).

Claims 1 and 34 are the remaining independent claims presented for reconsideration. Amended claim 1 is directed to a method and claim 34 is directed to a corresponding computer program product. As claimed, applicants' method is for use in an information retrieval system including a server computer and a client system having a display device, wherein the client system has access to television programming viewed by a user of the information retrieval system. The method includes compiling a profile of the user of the information retrieval system at the client system. The profile includes information associated with the television programming viewed by the user, and the profile is stored at the client system without being sent to the server computer. The stored profile permits selection of advertisements to be inserted into information documents that are received by the server computer. The selection occurs by requesting, at the client system, an information document from the server computer, and then selecting, at the client system, based at least in part on the profile stored at the client system, an advertisement from an advertisement repository for insertion into the information document, the advertisement repository being stored at the client system. Data representing the selected

advertisement is then inserted into the information document and displayed along with the selected advertisement, on the client's display device.

As discussed at the interview, the applicants' claimed method¹ and computer program product are neither anticipated nor made obvious, singly or in combination, by the prior art of record. In particular, the Perlman reference is directed to a system for downloading data to a client during off-peak hours that may be of interest to a client (p. 11, ll. 19-23). Although Perlman discloses that the data may include advertisements that are targeted to a user based on data known about a user (p. 13, ll. 9-30), Perlman does not disclose an act of compiling a profile of a user with television viewing information or compiling a user profile at the client system. Perlman also fails to disclose a method in which a client system uses a profile that is stored at the client system to select advertisements for insertion into documents that are received from the server computer.

As discussed at the Interview, Perlman discloses one embodiment in which the client device can overlay or display advertisements that have been downloaded as a separate data stream into the client device. (p. 18, ll. 14-17). However, in this embodiment, Perlman does not disclose that the client selects advertisements based on user interest, but rather the selection appears to be made based upon concerns for the advertiser's interests, in spite of any concern for the user's interests. (p. 18, ll. 17-19, stating "In this way, an advertiser can be certain its ad is viewed by a user, regardless of which web sites they decide to visit."). Accordingly, this embodiment places a premium on getting the advertisements viewed, regardless of the user's interests, thereby teaching away from using a user profile to select which advertisements are inserted in a document.

Belmont is generally directed to a TV/PC convergence device that includes a tracking device for tracking "virtually any application and usage of a PC/TV convergence device" that can be tracked, including television viewing information (col. 4, ll. 27-28, col. 33-40). However, Belmont is entirely silent as to what the TV/PC usage data is used for and fails to provide any motivation for using the usage data to select advertisements to be inserted into a document received from a server. Reference is only made to providing feedback to software vendors and television programmers (col. 1, ll. 41-49).

¹ Support in the specification for the amended claim 1 and corresponding new claim 34 includes the disclosure recited between line 16 of page 21 and line 12 of page 22, and illustrated in Figure 3C.

Belmont is also silent to any use of the TV/PC usage data at the client system. In fact, Belmont actually appears to teach away from using the TV/PC data at the client system at all, inasmuch as the only embodiment described for using the TV/PC usage data includes sending the usage data to a collection agent, as described below:

When a user connects with a data collection agency, data collection agent 30 is queried to determine if any new data has been stored. If it has, the user will be asked for permission to provide the newly acquired information to the data collection agency. If permitted to do so, the collection agency will then retrieve the data and set a flag in the users file indicating the time and date of collection for future reference (col. 4, ll. 44-53).

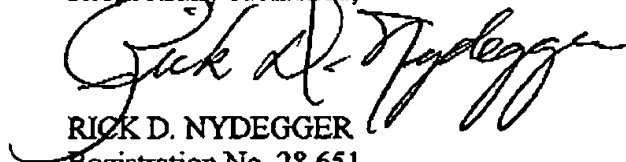
Lastly, Robinson is directed to systems and methods for presenting ads to a consumer based upon his community. As disclosed in Robinson, a consumer's activities are tracked to calculate a measure of similarity between the user and other individuals to determine the consumer's community (col. 2, ll. 48-64). Thereafter, "the system determines which [] advertisements to present to the subject based on the subject's community by displaying a new advertisement for a training period and determining whether a high or low proportion of members of the subject's community have chosen to view further information about the advertisement" (col. 3, line 67 – col. 4, line 6).

In one embodiment, Robinson does disclose that tracking data can be stored locally at a consumer's computer and that decisions regarding what ads are displayed can be made at the consumer's computer (col. 3, ll. 40-46; col. 7, ll. 24-29). However, Robinson fails to disclose any method or system in which a user's profile is developed with television programming information, or any method in which an advertisement repository is stored at the client system, as recited in claim 1.

Accordingly, for at least the foregoing reasons, the claims are patentable over the prior art or record. In the event that the Examiner finds any remaining impediment to allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 1st day of March, 2003.

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803
Attorneys for Applicant



022913

PATENT TRADEMARK OFFICE

JRJ0000002157V001